

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

16 March 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Keith A. Holliday, Yvonne J. Johnson, Nancy Mincello, Robert V. Perkins and Donald R. Vaughan. Absent: Councilmembers Sandra G. Carmany and Earl F. Jones, excused by action of Council; Councilmember Jones entered early in the meeting. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Jerry Palladino, employee in the Department of Technology and Facilities, who served as courier for the meeting.

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Councilmember Johnson moved that Councilmember Carmany be excused from attendance at this meeting. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of the Council.

Councilmember Burroughs-White moved that Councilmember Jones be excused from attendance at this meeting. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

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Councilmember Jones entered the meeting at 6:07 p.m.

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The Mayor explained the Council procedure for conduct of the meeting.

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Gail Haworth, 1312 Lexington Street; and Raymond King, 640 Martin Luther King Jr. Drive; members of Greensboro Homeless Providers, spoke to the agencies involved with this group and recognized the representatives who were present in the Chamber. Ms. Haworth spoke to the variety of services provided to a large number of citizens; provided information with respect to accomplishments and benefits provided; and reviewed future plans to meet the ever increasing needs in Greensboro. Speaking to the need for additional transitional and affordable housing, Ms. Haworth spoke to this organization's desire to end homelessness in Greensboro. She stated that the group had leveraged over \$5 million in additional funds from the \$267,500 contribution from the City.

Council briefly discussed with Ms. Haworth and Mr. King details about various services offered by Greensboro Homeless Providers and future plans for enhancement of services. The Mayor and Council

commended the agencies involved with Greensboro Homeless Providers for the excellent, worthwhile services they provide to Greensboro's citizenry.

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Dr. William Hensel, requested the City of Greensboro consider the construction of a natatorium in conjunction with the new YMCA facility to be located in the downtown area. He emphasized that the Council had a short timeframe in which to request an analysis and vote to proceed with the project. Dr. Hensel stated the following: the aquatic center would be a public facility; there is a great need in Greensboro for indoor pools to be used for exercise, medical purposes and recreation; the pool would provide economic benefits for the community; the YMCA would reject future expansion at the proposed facility; and time was of the essence in making this decision.

Nancy Miller, residing at 508 Hobbs Road; Leonardo S. Pinnix, residing at # 1 Baytree Court; and Matt Rutherford, residing at 608 Wimberly Drive; spoke in favor of a natatorium being constructed by the City of Greensboro at the time of the new YMCA construction. They spoke to the economic and personal benefits this facility would provide for the citizens of Greensboro and emphasized that this provided a unique opportunity to build a state of the art facility to meet the needs of all citizens.

Some members of Council discussed opinions with respect to the possible construction by the City of a public natatorium for use by the citizens of Greensboro; i.e., the unique opportunity for Greensboro; the timeframe in which this project might be undertaken; the benefits/services this type of facility would provide; the cost to build the proposed facility and future costs involved; the feasibility of contacting Guilford County, the Guilford School system and area colleges/universities to solicit participation in the cost of this type of facility, etc. It appeared that some members of Council wanted the Manager to provide information regarding potential funding sources for this project.

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Mayor Allen stated that this was the time and place set for a public hearing to confirm assessment roll for sanitary sewer improvements on Ellery Court from Hilltop Road south to the end of Ellery Court. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

E-125 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

ELLERY COURT FROM HILLTOP ROAD SOUTH TO THE END OF ELLERY COURT

WHEREAS, on the 6th day of February, 1995, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

SEDGEFIELD LAKES OUTFALL

Sedgefield Lakes Lift Station to 1400' South of Sedgefield Lakes Lift Station

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 16th day of March, 1999, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to confirm assessment roll for sanitary sewer improvements on Hilltop Road from Stanley Road to approximately 400 feet west of West Woodlyn Way. Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

H-214 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

HILLTOP ROAD FROM STANLEY ROAD TO APPROXIMATELY 400 FEET WEST OF WEST WOODLYN WAY

WHEREAS, on the 6th day of February, 1995, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

HILLTOP ROAD
360' East of Ellery Court to Stanley Road;

HILLTOP ROAD
190' East of Lakeshore Drive to 360' East of Ellery Court; and

HILLTOP ROAD
225' West of West Woodlyn Way to 280' East of Mowbray Trail

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 16th day of March, 1999, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to confirm assessment roll for sanitary sewer improvements on Lakeshore Drive from Hilltop Road to the south end of Lakeshore Drive. Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Holliday moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

L-171 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

LAKESHORE DRIVE FROM HILLTOP ROAD TO THE SOUTH END OF LAKESHORE DRIVE

WHEREAS, on the 6th day of February, 1995, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

LAKESHORE DRIVE
1000' South of Hilltop Road to 215' South of Hilltop Road

and

LAKESHORE DRIVE OUTFALL #1

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 16th day of March, 1999, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.

6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Keith A. Holliday

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Moving to the Consent Agenda, Mayor Allen read the titles of the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance amending in the amount of \$57,241 the Grant Project Budget for the Guilford County Home Program
- Ordinance amending in the amount of \$137,500 the Grant Project Budget for FY 1998-99 Metropolitan Planning Organization Planning Work Program

After Mayor Allen requested a motion to adopt all ordinances, resolutions and motions listed on the Consent Agenda, Councilmember Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Perkins; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-33 ORDINANCE AMENDING THE GRANT PROJECT BUDGET FOR THE GUILFORD COUNTY HOME PROGRAM

Section 1. That the Grant Project Budget for the Guilford County Home Program be increased for the life of the project as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
212-9197-02.5283	Real Estate Grants	\$27,766
212-9198-02.5283	Real Estate Grants	<u>29,475</u>
Total		\$57,241

And, that this increase be financed by increasing the following revenue accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
212-9197-02.7170	Local Grant-County	\$27,766
212-9198-02.7170	Local Grant-County	<u>29,475</u>
Total		\$57,241

(Signed) Donald R. Vaughan

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99-34 ORDINANCE AMENDING GRANT PROJECT BUDGET FOR FY 1998-99 MPO PLANNING WORK PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4503-99.5413	Consultant Services	\$137,500

and, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4503-99.7110	State Grant	\$137,500

(Signed) Donald R. Vaughan

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26-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF MAMIE ROZELLA WYRICK AND EULA W. SIMPSON FOR THE LANDFILL BUFFER PROJECT

WHEREAS, in connection with the Landfill Buffer Project, the property owned by Mamie Rozella Wyrick and Eula W. Simpson is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$36,000.00, which appraisal, in the opinion of the City Council is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price, and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above-mentioned property in the amount of \$36,000.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account Number 553-6509-03.6011 CBR 005.

(Signed) Donald R. Vaughan

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41-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF ELLOREE B. WOOTEN FOR THE LANDFILL BUFFER PROJECT

WHEREAS, in connection with the Landfill Buffer Project, the property owned by Ellore B. Wooten is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$37,000.00, which appraisal, in the opinion of the City Council is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price, and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above-mentioned property in the amount of \$37,000.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account Number 553-6509-03.6011 CBR 005.

(Signed) Donald R. Vaughan

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42-99 RESOLUTION APPROVING AND AUTHORIZING MUNICIPAL BRIDGE AGREEMENT FOR THE 16TH STREET BRIDGE OVER NORFOLK SOUTHERN RAILWAY REPLACEMENT AND REHABILITATION, PROJECT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the 16th Street Bridge over Norfolk Southern Railway is currently rated “structural deficient” under the NCDOT bridge inspection program’s rating system and replacement is necessary.

WHEREAS, the Federal Surface Transportation Assistance Act of 1982 provided for funds for a Federal-Aid Highway Bridge Replacement & Rehabilitation Program to be administered by NCDOT, under which program the City may be reimbursed for 80% of a bridge replacement project cost if a Municipal Agreement is executed by both parties involved.

WHEREAS, the City of Greensboro and NCDOT have agreed to enter into a Municipal Bridge Agreement, which shall provide for the City of Greensboro to fund 20% of the total project cost, estimated to be approximately \$500,000.00, with the balance being paid for by the State.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Municipal Bridge Agreement for the replacement and rehabilitation of the 16th Street Bridge over Norfolk Southern Railway is hereby approved and the City Manager is hereby authorized to execute said agreement on behalf of the City.

(Signed) Donald R. Vaughan

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43-99 RESOLUTION CALLING A PUBLIC HEARING FOR APRIL 6, 1999 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE WEST SIDE OF NORTH ELM STREET NORTH OF PISGAH CHURCH ROAD –2.362 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of March, 1999, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF NORTH ELM STREET NORTH OF PISGAH CHURCH ROAD – 2.362)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning at a point in the existing city limits at the southeast corner of Lot 180 of the Bell Orchard Subdivision which is recorded in Plat Book 14, Page 59 of the Guilford County Registry; thence, south 87 degrees 43 minutes 10 seconds west, 310.18 feet; thence, north 2 degrees 23 minutes 30 seconds west, 319.77 feet; thence, north 88 degrees 1 minute 40 seconds east, 335.15 feet to a point in the existing city limit line; thence, south 2 degrees 5 minutes 50 seconds west, 318.91 feet to the point and place of beginning. This property consists of Lots 180 and 181 of the Bell Orchard Subdivision as recorded in Plat Book 14, Page 59 and contains approximately 2.362 acres and is shown on the survey for H. L. Oliver by Callicutt Surveyors dated June 14, 1995 as Job Number 95-130.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after June 30, 1999, the petitioner shall be liable for municipal taxes. The due date for prorated municipal taxes shall be September 1, 1999. Municipal ad valorem taxes for the 1999-2000 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after June 30, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That April 6, 1999 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than March 26, 1999.

(Signed) Donald R. Vaughan

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44-99 RESOLUTION AUTHORIZING THE FACILITATION OF THE TRANSITION FROM JOB TRAINING PARTNERSHIP ACT FUNDING TO WORKFORCE INVESTMENT ACT FUNDING

WHEREAS, in 1973 the City of Greensboro, the City of High Point and Guilford County established Greensboro/High Point/Guilford County Job Training Consortium for the purpose of receipt and administration of the Comprehensive Employment and Training (CETA) funds;

WHEREAS, the original Consortium Agreement designated the City of Greensboro as the administrative entity and grant recipient with responsibility for administration and oversight of job training funds through the CETA Program;

WHEREAS, the three Chief Elected Officials agreed to operate as an Executive Committee for this Consortium;

WHEREAS, the Consortium designated the Mayor of the City of Greensboro as official signatory for the Board;

WHEREAS, this Consortium Agreement was reaffirmed and continued in 1983 when the Job Training Partnership Act (JTPA) replaced CETA;

WHEREAS, the Consortium established a Private Industry Council composed of 27 members approved by the three Chief Elected Officials;

WHEREAS, in 1997, the Governor issued an Executive Order creating Workforce Development Boards to oversee JTPA and One-Stop Career Centers and as a result of this Order, the Private Industry Council was designated as the Consortium's Workforce Development Board;

WHEREAS, in 1998, Congress passed the Workforce Investment Act to replace JTPA and amend other employment and training grant programs whose purpose was to increase the employment, retention, and earnings of participants, and increase occupational skills attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation;

WHEREAS, this new Act will be implemented on July 1, 1999 and JTPA funding will be repealed;

WHEREAS, in order to transition from JTPA to the Workforce Investment Act, a delivery service area must be established, an administrative/fiscal agent must be designated to manage the program, a Chief Elected Official must be authorized as the administrative representative of the Consortium, and a Workforce Development Board must be designated at the local level.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Guilford County shall be designated a "single county" delivery area.
2. City of Greensboro shall be designated fiscal agent to administer the program on behalf of the Consortium.
3. The Mayor of the City of Greensboro shall be designated the signatory official for the Consortium.
4. The Mayor shall be authorized to execute and updated Consortium Agreement to reflect the inclusion of the Workforce Investment Act.
5. The Workforce Development Board shall be designated as the Workforce Investment Board as required under the law.

(Signed) Donald R. Vaughan

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45-99 RESOLUTION APPROVING BID OF GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP FOR PROPERTY LOCATED AT 1228 MARTIN LUTHER KING, JR. DRIVE, AND AUTHORIZING THE EXECUTION OF THE CONTRACT FOR SALE OF REAL ESTATE

WHEREAS, the Redevelopment Commission of Greensboro has advertised for the sale of Commission-owned historic houses;

WHEREAS, Greensboro Housing Development Partnership has submitted an offer of \$5,000.00 for 1228 Martin Luther King, Jr. Drive with the estimated cost of rehabilitation being \$136,895.00;

WHEREAS, 1228 Martin Luther King, Jr. Drive qualifies for a grant of \$63,395.00 and a deferred second mortgage not to exceed \$17,200.00;

WHEREAS, it is deemed in the best interest of the City to approve the bid and authorize sale of said property, subject to rehabilitation, restrictive covenants and preservation covenants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid of Greensboro Housing Development Partnership, as set out and the sale of the property in accordance with the terms of the Contract of Sale of Real Estate with restrictive covenants this day presented to the City Council are hereby approved, and the Mayor is hereby authorized to execute said bid and purchase contract on behalf of the City of Greensboro.

(Signed) Donald R. Vaughan

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46-99 RESOLUTION AUTHORIZING INSTALLATION OF AN 8 INCH SEWER LINE ALONG SHARPE ROAD TO SERVE GRAMERCY PARK UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8 inch sewer line along Sharpe Road in the proposed streets to serve the New Fortis Corporation Property (Gramercy Park), in accordance with the Consolidated Water and Sewer Agreement between the County and the City; and

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the 8 inch sewer line in accordance with said agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8 inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized.

(Signed) Donald R. Vaughan

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Motion to approve minutes of regular meeting of March 2, 1999 was unanimously adopted.

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Motion to make a part of the minutes report of budget adjustments covering January 8 to February 26, 1999 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer M, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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The Mayor introduced a resolution approving funding plan for purchase of Salvation Army site in the Ole' Asheboro Community Development Target Area and noted this matter had been continued from the February 2 and February 16, 1999 meetings of Council.

After brief discussion, the Mayor advised that the Housing and Community Development Department staff had recommended that this matter be continued to enable the Salvation Army and neighborhood representatives to meet and discuss various issues and concerns; it appeared to be the consensus of Council that this meeting should take place prior to consideration of the resolution.

Councilmember Jones moved that the resolution be continued to the April 6, 1999 meeting of Council. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

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After the introduction by Mayor Allen of a resolution supporting the work of the Census 2000 Complete Count Committee and proclaiming April 1, 1999 to April 1, 2000 as Census Awareness Year, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

47-99 RESOLUTION SUPPORTING THE WORK OF THE CENSUS 2000 COMPLETE COUNT COMMITTEE AND PROCLAIMING APRIL 1, 1999 – APRIL 1, 2000 AS CENSUS AWARENESS YEAR

WHEREAS, the census of the residents of the United States of America has been conducted every 10 years beginning in 1790 for the purpose of congressional apportionment;

WHEREAS, the census provides a wealth of information to researchers conducting demographic and development research;

WHEREAS, business interests depend on census data when making marketing, site location and related economic decisions;

WHEREAS, federal funds for a wide variety of programs are distributed to state and local jurisdictions based on census data;

WHEREAS, an accurate census is highly important to all of these activities;

WHEREAS, the date of the next census is April 1, 2000;

WHEREAS, Guilford County and its municipalities have joined together to form a Census 2000 Complete County Committee for the purposes of promoting public involvement and marketing census activities;

WHEREAS, The Census 2000 Complete County Committee has agreed to implement a plan with specific programs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

The City of Greensboro supports the work of the Census 2000 Complete Count Committee and further proclaims the 12-month period between April 1, 1999 and April 1, 2000 to be Census Awareness Year.

(Signed) Claudette Burroughs-White

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Mayor Allen introduced a resolution recognizing National Community Development Week and the Silver Anniversary of the Community Development Block Grant Program.

After brief discussion, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

48-99 RESOLUTION RECOGNIZING NATIONAL COMMUNITY DEVELOPMENT WEEK AND THE SILVER ANNIVERSARY OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Whereas, the week of March 29 – April 4, 1999 has been designated as National Community Development Week, and the year 1999 marks the 25th anniversary of the Federal Community Development Block Grant program; and

Whereas, the City of Greensboro is a participant in the CDBG program which funds a myriad of economic development, affordable housing and neighborhood revitalization programs in this community, and

Whereas, in this community and in communities throughout the nation, twenty-four years of Community Development Block Grant Program funding has resulted in a strong network of relationships between this local government, residents, and the many non-profit agencies that provide services and help make possible our commitment to those neighborhoods, and

Whereas, this community recognizes that the Community Development Block Grant program is a partnership of Federal, state and local government, business, non-profit and community efforts, and that the services funded by the CDBG program, administered by the local government and often delivered by local non-profit organizations, relies heavily on the dedication of and good will of our combined efforts,

Therefore be it resolved that during National Community Development Week 1999, this community will give special thanks and recognition to all participants whose hard work and devotion to neighborhoods and their low- and moderate-income residents help insure the quality and effectiveness of the Community Development Block Grant program, and

Be it further resolved that the City Council of the City of Greensboro invites all citizens and especially those who have benefited from CDBG program activities to participate in a celebration of 25 years of accomplishments, and

Be it further resolved that this community, along with the service providers and others, hereby petition the U. S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant program, and to its vital importance to the community and to the people who live in its lower income neighborhoods, and

Be it further resolved that copies of this resolution be conveyed to the appropriate elected and appointed officials of the Federal government and that Greensboro’s non-profit service providers be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant program and maintenance of its essential features over the course of the next session of Congress.

(Signed) Earl Jones

.....

Mayor Allen introduced an ordinance amending Chapter 27 of the City of Greensboro Code of Ordinances with respect to the reduction of downstream stormwater impacts from new or redevelopment activities.

Council discussed with Elizabeth Treadway, Director of Environmental Services, the manner in which that Department would equitably address existing storm water problems being experienced by a large number of citizens. Ms. Treadway advised a companion piece to this ordinance would be forthcoming that would change particular policies to address existing problems; i.e., include funds in the budget to assist in payback, develop a payback system to meet individual interests and needs, increase ability to respond to citizens' concerns, etc.

Council commended staff and citizens who participated in this significant undertaking.

Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-35 AMENDING CHAPTER 27

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STORM WATER MANAGEMENT

Section 1. That Chapter 27 is hereby amended by adding a new Section 27-22, Storm Water Management Control Requirements, to read as follows:

Sec. 27-22 Stormwater Management Control Requirements

(a) Purpose

(1) The purpose of the "Stormwater Management Control Ordinance" is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with new development or redevelopment within the City of Greensboro. Proper management of stormwater runoff, including the provision of appropriate stream buffers, will minimize damage to public and private property, promote a functional storm drainage system, reduce local flooding and drainage problems, and maintain, to the extent practicable, the pre-developed stormwater runoff characteristics of the developed site.

(b) Applicability

- (1) Coverage. This Section (Stormwater Management Control Requirements) applies to the following type of developments.
- a. All sites containing new development and/or redevelopment including grading, paving, gravel placement, and construction of buildings and other structures within the corporate limits of the City of Greensboro.
 - b. The construction of new public streets or the widening of existing streets shall comply with the provisions of this Article to the extent practicable.

(c) Participation in a Regional Stormwater Management Facility

(1) Where Permitted. Where a regional stormwater management facility has been established by one or more local governments, or by an authority

operating on behalf of one or more local governments, a development may participate in said program in lieu of any certification of runoff control required by this Article, provided that:

- a. Runoff from the development drains to an approved existing or proposed public regional stormwater management facility that will be operational within two years;
 - b. Participation is in the form of contribution of funds, contribution of land, contribution of stormwater management facility construction work, or a combination of these, the total value of which shall be in accordance with fee schedule adopted by the City Council; and
 - c. The Technical Review Committee finds that the Stormwater Management Plan is in compliance with all other applicable requirements of this Article.
- (2) Use of Contributions. Each contribution from a development participating in a regional stormwater management facility shall be used for acquisition, design, construction or maintenance of one or more such facilities in the same watershed in which the development is located.

(d) *Stormwater Management Plan*

- (1) Plan Required. A Stormwater Management Plan and separate maintenance plan in accordance with the requirements of this Article shall be submitted to the Enforcement Officer and shall include all applicable information listed in the Stormwater Management Guidance Manual and the Storm Sewer Design Manual. The Stormwater Management Plan may be combined with any required Watershed Plan.
- (2) Plan Approval. The Technical Review Committee is authorized to approve the Stormwater Management Plan, which is in conformance with the requirements of this Article.
- (3) Approved Plan a Prerequisite. The Enforcement Officer is not authorized to issue any permits, except as provided in Section 30-3-4.2 (Permits Issued Prior to Site Plan or Preliminary Plat Approval) of the Greensboro Development Ordinance, for development on any land unless and until a Stormwater Management Plan, that is in compliance with the requirements of this Section, has been approved.
- (4) Plan Certification Requirement For Structural Stormwater Management Improvements. Where a structural stormwater management improvements is required for a development to meet the requirements of this Article, a North Carolina licensed professional engineer shall sign and seal a certification on the plan that the plan meets all stormwater management requirements of this Section.

(e) *Stormwater Management Improvements*

- (1) Construction of Improvements.

- a. The construction of all structural stormwater management improvements, shown on an approved Stormwater Management Plan shall be substantially completed prior to final plat recordation or issuance of any building certificate of compliance.
- b. Final approval of the installed stormwater management improvements is required at the time of issuance of the final building certificate of compliance. If neither a building permit nor a grading permit is required for a site, then the installation of the required structural stormwater management improvements shall be substantially completed or a surety for completion must be obtained prior to installation of any built-upon area on the site. An engineer's certification of completion of the form below (which is identical to Table 30-7-1-3 of the Greensboro Development Ordinance), shall be required prior to final approval by the Enforcement Officer.

Table 30 - 7 - 1- 3

ENGINEER’S CERTIFICATE OF COMPLETION

The engineer’s certification required upon completion of stormwater management control improvements shall be of the following form:

<u>ENGINEER’S CERTIFICATE OF COMPLETION</u>	
<p>I certify that the stormwater management control improvement on this plat (<u>or, on name of plat</u>) as recorded in PB ____, PG ____ in the Office of the Guilford County Register of Deeds has been completed in conformance with the plans and specifications approved on (<u>approval date</u>) and has its full design available.</p>	
P.E. SEAL	
SIGNATURE	
DATE	

(2) Recordation of Permanent Improvements. All permanent stormwater management improvements and associated access / maintenance easement(s) shall be recorded on a Final Plat, and if required by Section 27-22 (e) (3), a mechanism to ensure their maintenance shall be established concurrent with or prior to plat recordation.

(3) Maintenance Responsibility.

- a. When a stormwater management improvement serves more than one parcel, an owners’ association or binding contract for the purpose of maintenance is required. See Section 30-6-10.1, Establishment of Owners’ Association, of the Greensboro Development Ordinance.
- b. The owner or owner’s association shall be responsible for maintaining the completed stormwater management improvement as directed by the governmental office having jurisdiction for stormwater management or by the approved maintenance plan. If an owners’ association is responsible for the maintenance of the stormwater management improvements such responsibility must be stated in the association

declaration. An underground oversized storm sewer system which is approved through TRC for acceptance and maintenance by the City, carries public waters and is located either in the dedicated Street Right-of-Way or Drainage Maintenance and Utility Easement is exempt from this requirement.

- c. The Enforcement Officer has the authority to inspect stormwater management improvements and to notify the responsible property owner or owners' association when maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, the City may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owners' association.

(f) Stream Buffer Requirement

- (1) Stream Buffers. Stream buffers with minimum widths as specified below shall be maintained along all perennial streams and natural drainage channels draining an area equal to or larger than 50 acres. The stream buffer serves to protect the floodplain from excessive encroachment and helps to reduce the potential for negative impacts. Where stricter stream buffer requirements exist, in Section 30-7-1, (Water Supply Watershed Districts), Section 30-7-2, (General Watershed Areas (GWA)), or Section 30-7-3 (Watershed Critical Areas (WCA)) of the Greensboro Development Ordinance, the stricter stream buffer requirements shall apply.

(2) Stream Buffer Widths.

- a. The buffer width shall consist of two zones totaling 50 feet on each side of the water body:
 - (i) Zone 1 consists of a strip of land with a minimum width of 15 feet measured horizontally and perpendicular to the top of stream bank, or the top of steep slopes which are greater than 15%, or from the edge of contiguous sensitive areas (i.e. wetlands). Zone 1 is to be maintained free from development including disturbance of the soil, grading or filling, erection of structures, fences or placement of impervious surfaces. No disturbances are allowed in Zone 1 or the stream channel except those associated with street and driveway crossings, utility crossings, and installation of stormwater management facilities where no practicable alternative exists. Zone 1 may be included as areas contributing to Conservation or Floodplain Easements.
 - (ii) Zone 2 consists of a strip of land, which begins at the termination point of Zone 1 and extends for a minimum width of 35 feet. Zone 2 is to be maintained free from occupied structures and with impervious area below 50 percent with the exception of public or private street

crossings. All Drainage Maintenance and Utility Easements described in the Greensboro Development Ordinance can be applied within Zone 2.

(g) *Stormwater Management Requirements*

(1) Stormwater management requirements for all new development and redevelopment shall consist of, as a minimum, runoff control measures necessary to control runoff to a level which will not cause increased flooding, drainage, or erosion problems. Engineers shall provide a certification that said development or redevelopment would not cause increased offsite flooding, drainage, or erosion problems. Determination of impacts shall be based on hydrologic and hydraulic engineering studies extending downstream to a point where the proposed site development or redevelopment represents less than ten (10) percent of the total drainage area or watershed. The studies shall be based on an analysis of both 2- and 10-year storm events. (see Storm Water Management Guidance Manual)

- a. Where it is determined that the development of the said site does contribute to flooding, drainage or soil erosion problems at any location between the proposed development site and the 10 percent downstream point then a runoff control plan must be implemented. The runoff control plan must limit the 2-year and 10-year post-development peak discharge rates to pre-development peak discharge rates, to prevent increased drainage and flooding problems. These improvements may consist of nonstructural approaches such as natural swales, depressions in the land and other natural approaches, or structural approaches such as detention structures (wet and dry basins), extended detention facilities and alternative Best Management Practices with provisions for stormwater quantity control. A combination of nonstructural and structural approaches is encouraged.
- b. It is the intent of the City of Greensboro to produce stormwater management master plans to guide the design and development of the drainage system for all of the major sub-watersheds in the city. Where such master plans are available and approved by the City Council, site development projects are to conform to the stormwater management guidance and standards available in said master plans.
- c. In addition, if site characteristics indicate that complying with these minimum stormwater management requirements will not provide adequate designs or protection for local residents, and downstream property, it shall be the site designer's responsibility to exceed the minimum requirements as necessary.

(2) For all stormwater management improvements, a hydrologic-hydraulic analysis of the site drainage system in the pre-development condition and the post-development condition shall be performed. The analysis should demonstrate that the stormwater management requirements stated in Section 27-22 (g) (1) of this Ordinance will be achieved by the proposed facilities. These improvements shall be subject to review and approval by the Enforcement Officer.

(3) The following activities are exempt from the plan submission and approval requirements of this Section. However, any restrictions upon building

location, drainageways, pavement, or other built-upon area, or any other matter appearing on any previously approved development plan covering the subject property, shall be complied with unless and until replaced by an approved revised plan.

- a. Individual Single Family housing on an individual lot.
 - b. Placement of small accessory buildings or structures or small amounts of additional built-upon area provided that the total additional built-upon area is no greater than four hundred (400) square feet.
- (4) Developments that meet the requirement for being identified as an Integrated Multi-Use Development, Planned Urban Development, phased developments or group developments can meet the requirements of this sections at the point the discharge leaves the overall property.

Section 2. That Section 30-3-4.1(B), Other Permits or Approvals is hereby rewritten to read as follows:

(B) Other Permits or Approvals: If required, storm water management plans (see Section 27-22, Storm Water Management Control Requirements), well or septic tank permits, driveway permits, water and sewer construction plans, site or plot plans, and watershed development plans shall be issued or approved prior to issuance of building permits.

Section 3. That Section 30-7-1.8, Stream Buffer Required, is hereby amended by adding a new subsection to read as follows:

(C) Relationship to Requirements of Chapter 27: Where stricter stream buffer requirements are present in Section 27-22 (f), Stream Buffer Requirement, the stricter requirements shall apply.

Section 4. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 5. The effective date of this ordinance shall be July 1, 1999. All preliminary plans and site plans that have been approved through the TRC process will not be required to comply with this revision.

(Signed) Earl Jones

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After Mayor Allen introduced a resolution granting encroachment easement under street right-of-way on Boren Drive to General Dynamics for installment of 60 linear feet of communications cable to serve General Dynamics subject to fee for use of right-of-way, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

49-99 RESOLUTION GRANTING ENCROACHMENT EASEMENT UNDER STREET RIGHT-OF-WAY ON BOREN DRIVE TO GENERAL DYNAMICS FOR INSTALLMENT OF 60 LINEAR FEET OF COMMUNICATIONS CABLE TO SERVE GENERAL DYNAMICS SUBJECT TO FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, General Dynamics has requested an encroachment easement from the City for the underground installment of 60 linear feet of private communications cable in order to serve the company at its buildings located at 3801 Boren Drive and 3706 Boren Drive;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under Boren Drive as shown on the attached map;

WHEREAS, following installation of said cable, General Dynamics will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, General Dynamics has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, General Dynamics is hereby authorized to encroach in the above described street right-of-way for the installation of communications cable in Boren Drive as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

(Signed) Robert V. Perkins

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Councilmember Johnson added the names of Evan Smith and Robert Nunn to the boards and commissions data bank for consideration for future service.

Councilmember Johnson expressed appreciation to the City Manager and Department Heads for timely responses to her inquiries.

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Members of Council shared details of various meetings and community events of interest; i.e., Civil Rights banquet, North Carolina Special Olympics activities, the upcoming North Carolina League of Municipalities meeting in Asheboro, and the Community Resources Board meeting scheduled to receive funding requests.

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Councilmember Burroughs-White added the name of Margaret Dwight to the boards and commissions data for consideration for service on the Historic Preservation Commission.

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Mayor Allen spoke to the donation by Greensboro Police and Fire Departments of a fire truck and police car to the Children's Museum for its hands-on exhibit. She also provided an update with respect to the progress of that facility and the tentative opening date of May 14.

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Council discussed with the Manager a suitable date for the annual luncheon at the Greensboro Historical Museum.

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The City Manager reminded Council of the special briefing to discuss various Coliseum related issues scheduled for Thursday, March 18, 1999 at the War Memorial Coliseum.

The Manager reminded Council of the NCAA Women's Eastern Regional Finals being held at the War Memorial Coliseum.

City Manager Kitchen advised he had appointed Larry Davis as Acting Budget and Evaluation Department Director; he stated he had great confidence in Mr. Davis' ability to continue the excellent work of that Department.

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Councilmember Perkins moved that the City Council adjourn to Closed Session for the purpose of discussing acquisition of real property. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 7:20 P.M.

JUANITA F. COOPER
CITY CLERK

CAROLYN S. ALLEN
MAYOR
